

SENATE BILL NO. 243

INTRODUCED BY BALYEAT, LEWIS, STEINBEISSER, BROWN, HAMILTON, VINCENT, LARSON,
LASLOVICH, JENT, JACOBSON, MURPHY, SONJU

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING FISH AND GAME LAWS; ~~REDUCING THE PRICE OF~~
~~A CLASS A RESIDENT FISHING LICENSE~~; PROVIDING FREE CLASS AAA RESIDENT COMBINATION
SPORTS AND CLASS A RESIDENT FISHING LICENSES FOR CERTAIN MONTANA NATIONAL GUARD,
FEDERAL RESERVE, AND ACTIVE DUTY PERSONNEL FOR UP TO 5 YEARS; ALLOWING THE
DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO RECOUP THE COST OF ISSUING FREE LICENSES ON
A QUARTERLY BASIS; AMENDING SECTIONS ~~87-2-301~~, 87-2-711; AND 87-2-803, MCA; AND PROVIDING
AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

~~Section 1.~~ Section 87-2-301, MCA, is amended to read:

~~"87-2-301. Class A--resident fishing license. A resident, as defined by 87-2-102, upon payment of a~~
~~fee of \$18 \$13, is entitled to receive a Class A license that authorizes the holder of the license to fish with hook~~
~~and line or rod as prescribed by rules of the department."~~

Section 1. Section 87-2-711, MCA, is amended to read:

"87-2-711. Class AAA--combination sports license. (1) A resident, as defined by 87-2-102, who is
12 years of age or older or who will turn 12 years old before or during the season for which the license is issued
is entitled to:

(a) a combination sports license that permits a holder who is 12 years of age or older to exercise all
rights granted to holders of Class A, A-1, A-3, and A-5 licenses and resident conservation licenses as prescribed
in 87-2-202 upon payment of the sum of \$70, plus the resident hunting access enhancement fee provided for in
87-2-202(3)(c), or, if the resident is a service member eligible for a combination sports license pursuant to
87-2-803(12), upon payment of ~~\$29~~, plus the resident hunting access enhancement fee provided for in
87-2-202(3)(c); or

(b) a combination sports license that permits a holder who is 12 years of age or older to exercise all



1 rights granted in subsection (1)(a) and the additional rights granted to holders of a Class A-6 license upon
2 payment of the sum of \$85, plus the resident hunting access enhancement fee provided for in 87-2-202(3)(c).

3 (2) The department may furnish each holder of a combination sports license an appropriate decal."
4

5 **Section 2.** Section 87-2-803, MCA, is amended to read:

6 **"87-2-803. Persons with disabilities -- service members -- definitions.** (1) Persons with disabilities
7 are entitled to fish and to hunt game birds, not including turkeys, with only a conservation license if they are
8 residents of Montana not residing in an institution and are certified as disabled as prescribed by departmental
9 rule. A person who has purchased a conservation license and a resident fishing license or game bird license for
10 a particular license year and who is subsequently certified as disabled is entitled to a refund for the fishing license
11 or game bird license previously purchased for that license year. A person who is certified as disabled pursuant
12 to subsection (3) and who was issued a permit to hunt from a vehicle for license year 2000 or a subsequent
13 license year is automatically entitled to a permit to hunt from a vehicle for subsequent license years if the criteria
14 for obtaining a permit does not change.

15 (2) A resident of Montana who is certified as disabled by the department and who is not residing in an
16 institution may purchase a Class A-3 deer A tag for \$6.50 and a Class A-5 elk tag for \$8. A person who has
17 purchased a conservation license and a resident deer license or resident elk license for a particular license year
18 and who is subsequently certified as disabled is entitled to a refund for the deer license or elk license previously
19 purchased and reissuance of the license for that license year at the rate established in this subsection.

20 (3) A person may be certified as disabled by the department and issued a permit to hunt from a vehicle,
21 on a form prescribed by the department, if the person establishes one or more of the disabilities pursuant to
22 subsection (9). The department shall adopt rules to establish a voluntary board or boards of review to resolve any
23 disputes over whether a person meets the criteria established in subsection (9). Each board must have at least
24 one Montana-licensed physician as a member.

25 (4) A person with a disability carrying a permit to hunt from a vehicle, referred to in this subsection as
26 a permitholder, may hunt by shooting a firearm from the shoulder, berm, or barrow pit right-of-way of a public
27 highway, as defined in 61-1-101, except a state or federal highway, or may hunt by shooting a firearm from within
28 a self-propelled or drawn vehicle that is parked on a shoulder, berm, or barrow pit right-of-way in a manner that
29 will not impede traffic or endanger motorists or that is parked in an area, not a public highway, where hunting is
30 permitted. This subsection does not allow a permitholder to shoot across the roadway of any public highway or

1 to hunt on private property without permission of the landowner. A permit holder must have a companion to assist
2 in immediately dressing any killed game animal. The companion may also assist the permit holder by hunting a
3 game animal that has been wounded by the permit holder when the permit holder is unable to pursue and kill the
4 wounded game animal. Any vehicle from which a permit holder is hunting must be conspicuously marked with an
5 orange-colored international symbol of persons with disabilities on the front, rear, and each side of the vehicle,
6 or as prescribed by the department.

7 (5) A veteran who meets the qualifications in subsection (9) as a result of a combat-connected injury may
8 apply at a fish, wildlife, and parks office for a regular Class A-3 deer A tag, a Class A-4 deer B tag, a Class B-7
9 deer A tag, a Class B-8 deer B tag, and a special antelope license at one-half the license fee. Fifty licenses of
10 each license type must be made available annually. Licenses issued to veterans under this part do not count
11 against the number of special antelope licenses reserved for people with permanent disabilities, as provided in
12 87-2-706.

13 (6) (a) A resident of Montana who is certified by the department as experiencing blindness, as defined
14 in 53-7-301, may be issued a lifetime fishing license for the blind upon payment of a one-time fee of \$10. The
15 license is valid for the lifetime of the blind individual and allows the licensee to fish as authorized by department
16 rule. An applicant for a license under this subsection need not obtain a wildlife conservation license as a
17 prerequisite to licensure.

18 (b) A person who is certified by the department as experiencing blindness, as defined in 53-7-301, may
19 be issued regular resident deer and elk licenses, in the manner provided in subsection (2), and must be
20 accompanied by a companion, as provided in subsection (4).

21 (7) The department shall adopt rules to establish the qualifications that a person must meet to be a
22 companion and may adopt rules to establish when a companion can be a designated shooter for a disabled
23 person.

24 (8) As used in this section, "disabled person", "person with a disability", or "disabled" means or refers
25 to a person experiencing a condition medically determined to be permanent and substantial and resulting in
26 significant impairment of the person's functional ability.

27 (9) A person is entitled to a permit to hunt from a vehicle if the person:

28 (a) is certified by a licensed physician to be dependent on an oxygen device or dependent on a
29 wheelchair, crutch, or cane for mobility;

30 (b) is an amputee above the wrist or ankle; or

1 (c) is certified by a licensed physician to be unable to walk, unassisted, 600 yards over rough and broken
2 ground while carrying 15 pounds within 1 hour and to be unable to handle and maneuver up to 25 pounds.

3 (10) Certification by a licensed physician under subsection (9) must be on a form provided by the
4 department.

5 (11) A person who disagrees with a determination of eligibility for a permit to hunt from a vehicle may
6 request a review by a voluntary board of review pursuant to subsection (3).

7 (12) (a) A Montana resident who is a member of the Montana national guard or the federal reserve as
8 provided in 10 U.S.C. 10101 or who was otherwise engaged in active duty and who participated in a contingency
9 operation as provided in 10 U.S.C. 101(a)(13) that required the member to serve at least 6 2 months outside of
10 the state, upon request and upon presentation of the documentation described in subsection (12)(b), must be
11 issued a free resident wildlife conservation license or a Class AAA resident combination sports license, which
12 may not include a bear license, ~~for \$29, plus~~ upon payment of the resident hunting access enhancement fee
13 provided for in 87-2-202(3)(c), in the license year that the member returns from military service or in the year
14 following the member's return, based on the member's election, and ~~in the license year~~ in any of the 4 years after
15 the member's election. A member who participated in a contingency operation ~~between~~ after September 11, 2001,
16 ~~and February 28, 2006;~~ that required the member to serve at least 6 2 months outside of the state may make an
17 election ~~in 2006 or 2007~~ in the year following the member's return, based on the member's election, and in any
18 of the 4 years after the member's election and be entitled to a free resident wildlife conservation license or a ~~\$25~~
19 free Class AAA resident combination sports license in the year of election and ~~the license year~~ in any of the 4
20 years after the member's election.

21 (b) To be eligible for the free resident wildlife conservation license or ~~reduced-rate~~ free Class AAA
22 resident combination sports license provided for in subsection (12)(a), an applicant shall, in addition to the written
23 application and proof of residency required in 87-2-202(1), provide to any regional department office or to the
24 department headquarters in Helena, by mail or in person, the member's DD form 214 verifying the member's
25 release or discharge from active duty. The applicant is responsible for providing documentation showing that the
26 applicant participated in a contingency operation as provided in 10 U.S.C. 101(a)(13).

27 (c) A Montana resident who meets the service qualifications of subsection (12)(a) and the documentation
28 required in subsection (12)(b) is entitled to a free Class A resident fishing license in the license year that the
29 member returns from military service or in the year following the member's return, based on the member's
30 election, and in any of the 4 years after the member's election.

1 (D) THE DEPARTMENT'S GENERAL LICENSE ACCOUNT MUST BE REIMBURSED BY A QUARTERLY TRANSFER OF
2 FUNDS FROM THE GENERAL FUND TO THE GENERAL LICENSE ACCOUNT FOR COSTS ASSOCIATED WITH THE FREE LICENSES
3 GRANTED PURSUANT TO THIS SUBSECTION (12) DURING THE PRECEDING CALENDAR QUARTER. REIMBURSEMENT COSTS
4 MUST BE DESIGNATED AS LICENSE REVENUE."

5

6 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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